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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,143	08/02/2005	Jochen Dick	P04,0501	6780
26574	7590	01/11/2008		
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			EXAMINER MURDOCH, CRYSTAL A	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,143

Applicant(s)

DICK ET AL.

Examiner

Crystal Murdoch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

I. Response to Arguments

Applicants' response to the last Office Action, mailed 2 October 2007 has been entered and made of record.

The rejections of claims 1-3 are rendered moot by applicant's cancellation of those claims.

Applicants' amendment to add claims 4-6 requires new grounds of rejection. New grounds of rejection are therefore presented in this Office Action.

Applicant's arguments with respect to claims 1-3 regarding application of the Unreal Tournament manual as prior art have been fully considered but are moot in view of the new grounds of rejection.

II. Claim Objections

Claim 4 is objected to because it says, "visualization software accessibly by said processor..." Examiner believes Applicant intended for this to say "accessible." Appropriate correction is required.

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III. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

A. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim (US Patent Application Publication Number 2004/0122310) in view of Turner et al. (US Patent Application Publication Number 2005/0110788, herein referred to as Turner.).

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Regarding independent claim 4, Lim teaches a device for cross-platform and data-specific visualization of a 3D data record, comprising:

- A computer processor supplied a data record containing 3D medical image data (See Lim: Fig. 5, Item 500; ¶22, wherein workstation 500 includes a processor that allows a user to retrieve stored 3D medical images.);
- A data memory, accessible by said processor, in which said processor causes said 3D medical image data to be stored (See Lim: Fig. 5, Item 520; ¶22, wherein the 3D data is stored on removable media.);
- A display in communication with said processor (See Lim: Fig. 5, Item 500; ¶22, wherein a workstation also includes a display device.);
- Visualization software accessible by said processor for use by said processor to generate a visualization at said display of said 3D image data stored in said data memory (See Lim: Fig. 5, Item 500; ¶22, wherein the workstation processor “runs image review software that allows a user to retrieve a stored image...”);
- A user interface in communication with said processor (See Lim: ¶22, wherein the workstation includes a user interface that allows a user to cause the processor to retrieve a stored image and perform measurements and other actions on that image.) allowing a user to

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enter special instructions for execution of said visualization software that alter the visualization of the 3D image data by the visualization software compared to execution of the visualization software without the special instructions (See Lim: ¶23, wherein the special instructions include viewing or hiding the transducer marker and/or the 3D object, rotate the three-dimensional pictogram, or reposition the transducer marker.); and

- A data carrier generator operated by said processor that generates a data carrier with the visualization software, incorporating said special instructions, united with said 3D medical image data, causing said 3D medical image data to be visualized with said altered visualization (See Lim: ¶24, wherein a reviewing user can adjust the three-dimensional pictogram and/or transducer marker from where the prior user left off, which clearly indicates that the changes (special instructions) made by the previous user were saved with the 3D medical image data causing the altered visualization to be viewed by another user.).

Lim does not expressly suggest visualizing altered images when data carrier is used in another computer. Lim does suggest storing the alterations for later access by another user (See Lim: ¶24), as well as using the DICOM standard as the preferred format for saving the image

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files (See Lim: ¶22), it follows that any stored alterations would have been stored in the DICOM format. Turner is cited for using DICOM as a standard file format, and further suggests, "Embedding the operational state data in a standard image data format file therefore guarantees transportability of the operational state data with the image data provided that the hospital network, or other network, supports the chosen standard file format (See Turner: ¶11)." Thus, it was known at the time of the invention that DICOM standard image files would be viewable on other computers. Therefore, all of the claimed elements were known in the prior art and one skilled in the art could have used the claimed elements by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claim 5, as it depends from claim 4, Lim does not expressly suggest storing at least a portion of said special instructions in unalterable form. However, in ¶23, Lim teaches a form of versioning by performing manipulations on a copy of the saved image to retain an immutable version of the sonographer's original data. Examiner takes official notice that it is well known in the art to manipulate copies of previous versions and store the manipulated copies separately. Thus, it

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would have been obvious to one ordinarily skilled in the art at the time of the invention to have stored manipulated copies of the image data in an unalterable form so that the user can retrieve the versions that best fit the necessities of the current situation.

Regarding claim 6, as it depends from 4, wherein said data carrier generator is a CD burner, and wherein the generated data carrier is a CD (See Lim: ¶22, wherein the ultrasound image, three-dimensional pictogram, and transducer marker can be sent from the ultrasound system to the workstation via a removable media (e.g., a CD-ROM, a memory stick, an MO disk, etc.)). Since a CD-ROM is a possible removable media, the system must include a CD burner.).

IV. Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action

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and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal Murdoch whose telephone number is (571) 270-1043. The examiner can normally be reached on Mon. - Fri. 10:00am - 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CM/

Crystal Murdoch
Examiner
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A handwritten signature in black ink, appearing to read "Mark Zimmerman", with a long horizontal flourish extending to the right.

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600